

AFFIDAVIT

I, BRANDON L. PHILLIPS, a Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, being duly sworn under oath, hereby depose and state:

1. I am a law enforcement officer of the United States, and under 18 U.S.C. § 3051, I am charged by the Attorney General with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws of the United States, may carry firearms, serve warrants and subpoenas issued under the authority of the United States, make arrests without warrant for any offense against the United States committed in my presence, or for any felony under the laws of the United States if there are reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

2. I have been employed as a Special Agent with ATF since October 2010. I am presently assigned to ATF's Cleveland Field Office. I am a graduate of the ATF National Academy, located at the Federal Law Enforcement Training Center in Glynco, Georgia. The ATF National Academy consists of sixteen weeks of training regarding subjects such as firearms trafficking, unlawful possession of firearms, unlawful dealing in firearms, unlawful possession and/or use of explosives, improvised explosive devices, arson investigations, execution of arrest and search warrants, and criminal procedure.

3. Prior to becoming an ATF Special Agent, I was employed by the Las Vegas Metropolitan Police Department and the United States Secret Service Uniformed Division.

4. I have conducted numerous investigations involving the possession, distribution, and trafficking of controlled substances, in addition to the concealment of illicit proceeds from the sale of the controlled substances, violation of Federal firearm laws, and use of firearms in furtherance of other criminal offenses. In conducting these investigations, I have utilized a variety of investigative techniques and resources, including but not limited to surveillance, confidential informants, exploitation of telephone and social media data, the interception of wire communications under Title III, interviews, and the review of financial documents.

5. The facts contained in this Affidavit are based upon my personal knowledge of the investigation, in addition to the knowledge, training, experience, and the observations of other law enforcement officers. All observations and information referenced below that were not personally made or learned by me were relayed to me by the persons who made such observations or learned such information, to include being provided information verbally or in written format. This Affidavit contains information necessary to support probable cause for this application. This Affidavit is not intended to be a complete review of all topics discussed in interviews or conversations referenced herein. In addition, this Affidavit is not intended to include each and every fact and matter observed or known by me, other law enforcement officers, or the government.

PROBABLE CAUSE

Shooting on June 28, 2017

6. On June 28, 2017, at approximately 1:00 pm, Akron Police Department (APD) was dispatched to the area of 228 Gale Street, Akron, Ohio, for a call of multiple shots fired. 911 callers reported gun fires exchanged between a black male wearing a white shirt and dark shorts and other suspects. The black male was later identified as Quincey SMITH. SMITH chased the

subjects in a tan in color Chevrolet Malibu driven by Sharee Richardson. SMITH's description was broadcasted to officers along with the vehicle description. The vehicle was located approximately half a mile away from 228 Gale Street, near the intersection of Hyde Avenue and Crosby Street. As officers closed in on the vehicle, SMITH exited the vehicle and ran south on Hyde Avenue. A short time later, SMITH was located in an alley, near Hyde Avenue and was taken into custody. Officers retraced SMITH's flight path and located a Sig Sauer, P6, 9mm, serial number M509563 at 696 Crosby Street. SMITH was charged with having a weapon under disability. APD Crime Scene Unit responded and took photos of the firearm along with several 9mm shell casings in front of 228 Gale Street. The firearm and casings were submitted to the Ohio Bureau of Criminal Investigation (BCI) Laboratory in Richfield, Ohio for DNA and NIBIN analysis.

Statements by Quincey SMITH

7. On June 28, 2017, Detective Bertina King performed a recorded interview with SMITH and his Miranda rights were read. During the interview, SMITH stated he believed he was targeted because he was a witness to a murder. When asked if his hands would test positive for gunshot residue (GSR), SMITH denied shooting a firearm during the incident but admitted to owning and shooting a .380 caliber pistol the day prior. When asked where the .380 was, SMITH stated he had thrown it in a hole or under the rear porch of 228 Gale. I searched under the porch and looked in two different holes as SMITH described and did not locate a firearm. Detective King collected a Gun Shot Residue (GSR) test from SMITH and submitted to the Ohio Bureau of Criminal Investigation (BCI) Laboratory in Richfield, Ohio for further examination.

Interstate Nexus of Firearm

8. On July 18, 2017, ATF SA John Laurito, a Firearm Interstate Nexus Expert, reviewed the description I provided of a Sig Sauer, P9, 9mm pistol, bearing serial number M509563, recovered by the APD. Based on the description provided and his training and experience, SA Laurito stated that the firearm was not manufactured in the State of Ohio. Thus, the recovered firearm has traveled in interstate commerce.

Prior Criminal Record of Quincey SMITH

9. I have reviewed a computerized criminal history for SMITH obtained through the National Crime Information Center (NCIC) database. The computerized criminal history indicates SMITH has prior felony convictions. In addition, I reviewed online documents from the Summit County Court of Common Pleas, which indicated on or about June 4, 2010, SMITH was sentenced to 18 months in prison following SMITH'S plea of guilty on one count of Having Weapons While Under Disability (F-3, Case CR 2015 06 1978). This affidavit is not intended to provide the full scope of SMITH'S criminal history.

CONCLUSION

10. Based upon the above listed facts and circumstances, your Affiant believes and asserts that there is probable cause to believe that:

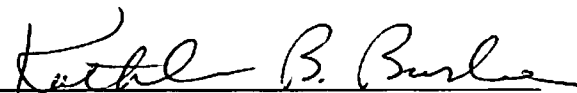
- A. On or about the 28th day of June 2017, SMITH did unlawfully, knowingly possess a firearm, in and affecting interstate commerce, after having been convicted of a crime punishable by imprisonment for a term exceeding one year; in violation of Title 18 U.S.C. Section 922(g)(1).

B. The above violation was committed in the Northern District of Ohio, Eastern Division. Your Affiant requests that a Complaint and arrest warrant be issued for Quincey SMITH.



Brandon L. Phillips, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me this 27th day of July 2017.



United States Magistrate Judge
Northern District of Ohio
Eastern Division